

Message Text

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TO AMEMBASSY SANTIAGO IMMEDIATE

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E.O. 11652: DECONTROL UPON RECEIPT

TAGS: AFSP, CI

SUBJECT: GAO REVIEW OF U.S. EMBASSY CONSULAR FUNCTION FOR
THE PROTECTION OF AMERICANS

FOR GAO REP PLUNKETT FROM ASST. DIRECTOR GAO JEKELLEY

1. CHAIRMAN, SUBCOMMITTEE INTER-AMERICAN AFFAIRS REQUESTED
GAO TO INCLUDE IN SUBJECT STUDY THE CASE OF AMY CONGER
O'FLAHERTY WHICH WAS THE SUBJECT OF A JACK ANDERSON COLUMN
IN THE WASHINGTON POST OF NOVEMBER 27. ANDERSON ARTICLE
INDICATES THAT MS. O'FLAHERTY SUBJECT TO MISTREATMENT DURING
DETENTION OCTOBER 11-24 BY CHILEAN AIR FORCE.

2. PRIOR TO TEAM'S DEPARTURE FROM SANTIAGO THE FOLLOWING
SHOULD BE DISCUSSED WITH APPROPRIATE EMBASSY OFFICIALS:

A. MESSAGE TRAFFIC FROM EMBASSY RE DESCRIPTION OF HOW
O'FLAHERTY SAID SHE WAS TREATED WHILE DETAINED DIFFER
GREATLY FROM WHAT SHE HAS STATED TO U. S. PRESS. DISCUSS
WITH APPROPRIATE EMBASSY OFFICIALS AND ASCERTAIN WHETHER
MS. O'FLAHERTY MADE ANY WRITTEN STATEMENT TO EMBASSY
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OFFICIALS ON HER TREATMENT. ESTABLISH BASIS FOR EMBASSY

DESCRIPTION OF HER TREATMENT, I.E. WHO TALKED WITH HER, WHEN, DID EMBASSY OFFICIALS SPECIFICALLY ASK MS. O'FLAHERTY AS TO HOW SHE WAS TREATED DURING DETENTION?

B. DID CHILE FAIL TO COMPLY WITH CONSULAR CONVENTION IN THE DETENTION OF MS. O'FLAHERTY?

C. HOW AND WHEN DID THE EMBASSY LEARN OF MS. O'FLAHERTY'S DETENTION? DID THE EMBASSY RESPOND APPROPRIATELY ONCE THEY LEARNED OF O'FLAHERTY'S IMPRISONMENT?

D. ESTABLISH THE TIMING AND NATURE OF THE EMBASSY COMPLAINTS TO THE CHILEAN GOVERNMENT ABOUT THE O'FLAHERTY CASE. WERE PROTESTS ABOUT COMPLIANCE WITH CONSULAR CONVENTION FOR NOTIFICATION OF THE DETENTION OF A U. S. CITIZEN OR THE ALLEGED BRUTAL TREATMENT FILED IN A TIMELY FASHION OR WAS ACTION TAKEN ONLY AFTER THE PRESS IN THE U. S. PUBLISHED ACCOUNTS OF THE CASE?

E. IT HAS BEEN ALLEGED THAT MS. O'FLAHERTY'S PHYSICAL POSSESSIONS WERE DESTROYED BY THE GOVERNMENT AFTER HER ARREST. HAS THE EMBASSY PURSUED WITH THE GOVERNMENT OF CHILE THE ISSUE OF COMPENSATION FOR THE PHYSICAL HARM TO MS. O'FLAHERTY AS WELL AS FOR HER PHYSICAL POSSESSIONS?

F. MS. O'FLAHERTY HAS STATED THAT SHE WAS DETAINED ON THREE SEPARATE OCCASIONS PRIOR TO HER ARREST. DOES THE EMBASSY HAVE ANY RECORD OF THESE DETENTIONS? WAS THE CONSULAR AGREEMENT HONORED IN EACH CASE? IF THE EMBASSY KNOWS THAT A U. S. CITIZEN IS A LIKELY TARGET OF FOREIGN ARREST ASCERTAIN WHETHER ANY PROCEDURES ARE FOLLOWED TO INSURE MORE ACTIVE EMBASSY CONCERN FOR THAT CITIZEN.

G. MS. O'FLAHERTY ALLEGES IN THE ANDERSON ARTICLE THAT SHE OBSERVED OTHER PRISONERS BEING TORTURED DURING HER DETENTION. HAS THE EMBASSY PURSUED HER ALLEGATIONS OR MADE ANY OTHER EFFORTS TO DETERMINE WHETHER TORTURE IS BEING USED, TO WHAT EXTENT IT IS BEING CONDUCTED AND WHETHER IT IS SYSTEMATIZED? THIS ITEM OF PARTICULAR INTEREST TO SUB-COMMITTEE STAFF IN VIEW OF SECTION 32 OF THE FOREIGN LIMITED OFFICIAL USE

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ASSISTANCE ACT WHICH INDICATES THAT SUCH FACTORS MUST BE CONSIDERED IN GRANTING ASSISTANCE.

H. IN VIEW OF THE O'FLAHERTY INCIDENT, FROM EMBASSY RECORDS DOCUMENT THE NUMBER OF U. S. CITIZENS THAT HAVE BEEN DETAINED IN CHILE SINCE JANUARY 1, 1974. WHO ARE THEY? HAVE ANY ALLEGED BRUTALITY AND IF SO WHAT HAS THE EMBASSY DONE? HAS THE CONSULAR CONVENTION BEEN HONORED IN

EACH INSTANCE I. E., THE GOVERNMENT OF CHILE GIVEN THE U.S.
EMBASSY PROPER NOTIFICATION AND ACCESS AND IF NOT, HAVE
PROTESTS BEEN FILED?

FYI - THE SUBCOMMITTEE CHAIRMAN HAS REQUESTED A FULL REPORT
FROM THE SEC. OF STATE ON THE O'FLAHERTY INCIDENT. KISSINGER

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